Freedom of Information and Protection of Privacy

ANNUAL REPORT
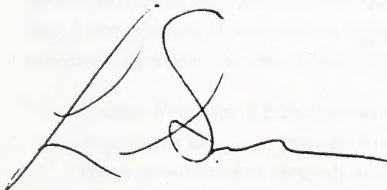
2006-07

Alberta

JANUARY 2008

Honourable Ken Kowalski
Speaker
Legislative Assembly of Alberta
325 Legislature Building
10800 – 97 Avenue
Edmonton, Alberta
T5K 2B6

Dear Sir:

In accordance with Section 86 of the *Freedom of Information and Protection of Privacy Act,* I have the honour to submit the 12th annual report on the operation of this Act for the fiscal year ended March 31, 2007.

Respectfully submitted,

Lloyd Snelgrove
Minister

MINISTER'S MESSAGE

Every Albertan has a right to request access to information held by the government. This right is one of the cornerstones of government accountability. At the same time, every Albertan can also be assured that the government will protect the personal information that is entrusted to its care. Protecting personal information in an age of rapidly changing information technologies has become an important priority for the Government of Alberta.
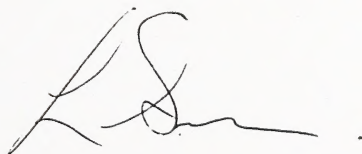
Alberta's *Freedom of Information and Protection of Privacy Act* (FOIP Act) came into effect in 1995. Since then, provincial government bodies have responded to over 25,000 requests for information, with the most frequent requests coming from organizations seeking information relating to business matters, and from individuals seeking personal information about themselves. In 2006-07, 96 per cent of requests received a response within 60 days. A total of 99 per cent of information requests to the government were handled without complaint to the Information and Privacy Commissioner.

As the Minister responsible for the FOIP Act, I am pleased to report on significant accomplishments for the 2006-07 fiscal year:

- Under Premier Ed Stelmach's leadership, steps were taken to post online all manifests from government aircraft and all expenses of cabinet ministers and their staff. Since April 2007, information is posted on the Service Alberta website each month. This initiative demonstrates the government's commitment to making information easily accessible to Albertans.

- Amendments to the FOIP legislation came into force in April and May 2006. To ensure that the changes were well understood and applied consistently, the government issued a new publication and offered information sessions to staff involved in administering the FOIP legislation.

- After some significant government reorganization in December 2006, the department provided guidance and ran workshops for government staff to ensure effective administration of the FOIP Act while the changes were being made. Advice was provided on delegation and assignment of responsibilities under the FOIP Act and on managing FOIP requests to meet legislated timelines during the transition.

- A new reference tool was developed to help assist anyone using the FOIP legislation to understand the meaning of words and phrases in the Act and Regulation.

- The department continued to offer its successful training program on access to information and protection of privacy for staff in government and the local public sector. There was a 60 per cent increase in course enrollments over the last reporting year.

- To foster a consistent approach to access and privacy across government, the department continued to consult with ministries bringing forward new legislation. The department offers advice to other ministries on the access and privacy implications of their legislative initiatives.

Once again, I would like to thank the Information and Privacy Commissioner, elected officials and staff in government and local public bodies for their lasting commitment to Alberta's *Freedom of Information and Protection of Privacy Act.*

Lloyd Snelgrove, MLA
Minister of Service Alberta

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ACCESS AND PRIVACY

ACCESS AND PRIVACY

2006
HIGHLIGHTS

2006-07 Highlights

The following achievements provide a snapshot of the FOIP program this year.

- Passed the *FOIP Amendment Act, 2006*
- Advised public bodies on the impacts of the revised Act and Regulation
- Advised government ministries on access and privacy considerations in 26 new legislative initiatives
- Trained over 1,160 participants from government and local public bodies
- Responded to over 1,500 questions directed at the FOIP help desk
- Received over 1.3 million hits on the FOIP website
- Supported Alberta's 11th annual information and privacy conference, attended by 300 participants
- Worked with federal, provincial and territorial counterparts to harmonize access and privacy legislation and to share resources

Alberta's FOIP Program

Service Alberta provides strategic direction, leadership and support to government ministries, agencies, boards and commissions, and local public bodies that are subject to the FOIP Act. Staff in these government and local public bodies are responsible for the day-to-day administration of the Act. Service Alberta supports FOIP staff and ensures an effective FOIP program in Alberta by providing a broad range of educational opportunities and resources to develop expertise. The department also amends the legislation as needed so that it remains current. The FOIP program recognizes that there are two primary activities under the Act: providing access to records and protecting personal information.

FOIP Quick Facts

- Over 1,500 public bodies are subject to the FOIP Act.
- In 2006-07, the Alberta government responded to 96 per cent of access requests within 60 days.
- The Government of Alberta has responded to over 25,000 access requests since the FOIP Act came into effect.
- Local public bodies have responded to over 7,200 access requests.

Effective Legislative Framework

This year saw changes to both the FOIP Act and Regulation. An amended FOIP Regulation came into force on April 1, 2006. This Regulation includes an updated fee schedule that more accurately reflects the cost to provide information and provisions to enable public bodies to obtain consent electronically when providing services online. These changes were recommended when the legislation was last reviewed by an all-party committee of the Legislative Assembly. The Regulation also contains an updated list of public bodies.

In May 2006, the *Freedom of Information and Protection of Privacy Amendment Act* was passed by the Legislative Assembly of Alberta. The legislation now provides better protection for personal information, by making it an offence to disclose personal information in response to a court order from outside of Canada. The legislation was modernized by enabling public bodies to establish common standards for consent, whether the consent is given on paper, electronically or orally. A process was introduced to make newly created public bodies subject to the FOIP Act more quickly. Two new partial exclusions were created: one for certain ministerial briefings and another for records in the custody of the Chief Internal Auditor of Alberta. These new exclusions apply only to the right of access and are time-limited.

The department has a significant role in promoting a consistent approach to access and privacy in legislation across government. This is achieved by reviewing and commenting on new legislative initiatives. The department reviewed 26 pieces of legislation in 2006-07.

Supporting FOIP Staff

With changes to both the Act and Regulation at the beginning of the fiscal year, the department focused on communicating these changes to FOIP staff in government and local public bodies. *FOIP Bulletin No. 18: FOIP Amendment Act, 2006* explains the new and amended provisions in the Act and offers guidance on applying the amended provisions within public bodies. In addition, the amendments were reviewed with FOIP staff at government and local public body network meetings. FOIP publications and other resources available on the FOIP website were reviewed and updated as required to reflect the legislative changes. The web-based application used by public bodies to process access requests was updated to reflect the changes.

The Government of Alberta was reorganized in December 2006. Some new departments were created and others were dissolved, and some programs were moved between departments. Service Alberta provided FOIP staff with guidance on managing FOIP requests during the transition period after the announcement of the new cabinet.

Departments need to ensure that FOIP responsibilities are delegated correctly, and such arrangements often need to be updated following a government reorganization. The department offered a workshop on the delegation of authority and assignment of responsibilities under the FOIP Act to address both the government reorganization and the amendments to the FOIP Act and Regulation.

The department's FOIP help desk receives calls and e-mails from FOIP staff and the public who have questions about the legislation. The help desk responded to over 1,500 queries in 2006-07.

Publications and Resources

Publications and resources produced by Service Alberta help public bodies become more knowledgeable about the FOIP Act and therefore better able to comply with the legislation. In 2006-07, the department published *FOIP Bulletin No. 18: FOIP Amendment Act, 2006,* mentioned above, which explains the new and amended provisions in the Act.

The department also produced a new resource for interpreting the legislation. It is a table of definitions of words and phrases used in the FOIP legislation. The definitions come from the Act, the Regulation and decisions of the Information and Privacy Commissioner. The table is a reference tool for FOIP staff who are processing access requests and need to understand the meaning of terms used in the legislation.

The department published two issues of *FOIP News,* an electronic newsletter for local public bodies. The newv sletter keeps the lines of communication open with all local public bodies, not just those able to participate in network meetings. The newsletter typically highlights decisions from the Office of the Information and Privacy Commissioner that are particularly significant to local public bodies. The newsletters are available on the FOIP website for easy reference.

Learning Opportunities

Government, school board, post-secondary and municipal FOIP staff are encouraged to participate in regular information meetings. These network meetings are an opportunity for public bodies to share information on common issues. Presentations are provided on matters that affect how administrators apply the FOIP Act. For example, a panel of experts was invited to speak to FOIP staff on how Alberta's new *Family Law Act* affects FOIP Act provisions that refer to parents and guardians of minors. Another meeting addressed the concept of privileged information and the current law. Information technology experts spoke on the government's approach to providing security and protection of personal information that is collected online by government ministries.

The department presented information to government legislative planners on access and privacy considerations in developing legislation. This information was also presented to government FOIP staff who typically consult with their ministry's legislation planners on access and privacy considerations in new legislation.

> **FOIP Quick Facts**
>
> FOIP network meetings were held in Edmonton, Calgary, Morinville and Red Deer.

The department supports the annual access and privacy conference. The 2006 conference was held in Edmonton from June 7-9 at the Westin Hotel. More than 20 presentations and workshops were offered to approximately 300 participants. Speakers included Frank Work Q.C., Alberta's Information and Privacy Commissioner; Juan Pablo Guerrero Amparan, Commissioner, Federal Institute for Access to Public Information, Government of Mexico;

> **FOIP Quick Facts**
>
> Conference presentations available at http://www3.extension.ualberta.ca/accessandprivacy/program.asp

Christiane Constant, Commissioner, Access to Information Commission, Information Commissioner of Canada; Rick Snell, senior lecturer in public law, University of Tasmania; and Dr. Ian Kerr, Canada Research Chair in Ethics, Law and Technology, University of Ottawa.

Training Program

By offering training, the department provides a knowledge base for public body employees who administer the FOIP Act. The training program includes a series of three one-day sessions for employees who are responsible for FOIP and a half-day session for employees who require an overview of the concepts of protection of privacy and access to information. Training sessions were held in Edmonton and Calgary several times during the year.

Demand for training increased significantly this year, as more public bodies chose to offer half-day training sessions at their worksites. In 2006-07, 1,162 participants from government and local public bodies successfully completed training, compared to 723 the previous year. Fifty-two courses were offered to meet the demand, up from 34 the previous year.

> **FOIP Quick Facts**
>
> Training participants: 566 from provincial government bodies, 596 from local public bodies.

FOIP Quick Facts

There were over 1.3 million visits to the FOIP website this year.

The department maintains a website that provides current FOIP legislation and historical information, publications and frequently asked questions, contact information for public bodies, and summaries of decisions under the FOIP Act made by the Information and Privacy Commissioner, as well as links to decisions.

Focus on Privacy

In 2006, Service Alberta continued work on privacy principles and directives for the Government of Alberta to ensure that day-to-day business practices protect personal information. The department began development of a web-based knowledge management tool which compiles resources related to privacy, information management and information security. This tool is intended to make it easier for government employees to locate relevant policies and reference material on privacy protection.

A review of Alberta's private sector privacy legislation began this year. While the legislation does not apply directly to the government, it does apply to the government's service providers and to ministry stakeholders. Service Alberta worked with other ministries to identify issues and concerns among these groups that could be passed on to the review committee.

National Initiatives

Alberta chaired a national committee of federal, provincial and territorial governments to promote the harmonization of access and privacy legislation. Committee members shared resources such as best practices and training materials. The committee developed a web tool to promote the sharing of key privacy resources between jurisdictions.

Requests to Provincial Government Departments, Agencies, Boards and Commissions

Number of requests made to the Alberta Government

Government departments, agencies, boards and commissions (provincial government bodies) routinely release information to the public. The FOIP Act is used only when information is not available through regular channels.

Statistical reports of FOIP requests are submitted by all ministries including the Executive Council, the Legislative Assembly Office, the Office of the Auditor General, the Ombudsman, the Office of the Chief Electoral Officer, the Ethics Commissioner, the Information and

Privacy Commissioner, and agencies, boards, and commissions designated in the FOIP Regulation. FOIP requests are tracked manually or electronically by each public body.

In fiscal year 2006-07, a total of 3,308 FOIP requests were received by government departments, agencies, boards and commissions. This is a 38 per cent increase from the 2,405 requests received the previous fiscal year.

In 2006-07, there were seven requests for correction of personal information. This is a decrease from 12 such requests received the previous fiscal year.

Number of FOIP requests received during the last five years

NUMBER OF REQUESTS*

Year	Personal Information	General Information
2002-03	1332	1125
2003-04	1326	1163
2004-05	1406	1770
2005-06	1233	1172
2006-07	1568	1740

■ Personal Information   ■ General Information
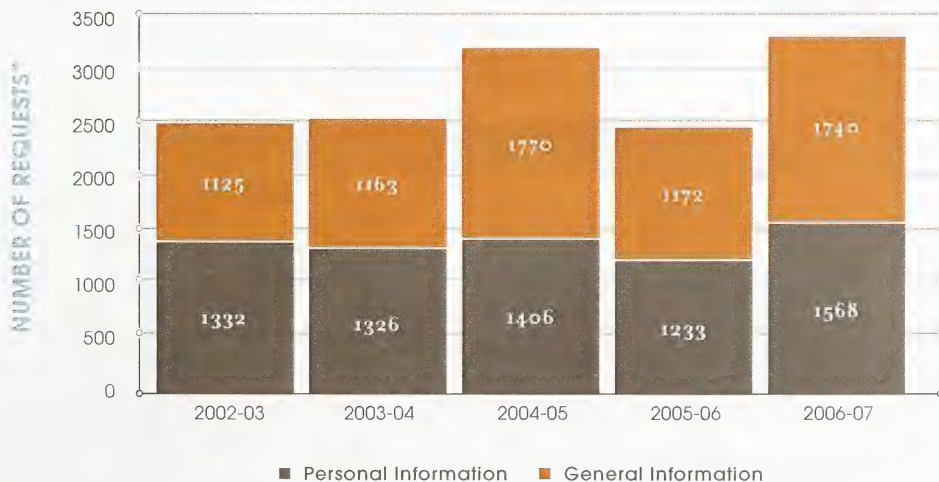
*Excludes requests for correction of personal information.

Top 10 - Requests for General Information

Environment	1256
Employment, Immigration and Industry	57
Alberta Energy and Utilities Board	49
Tourism, Parks, Recreation and Culture	41
Infrastructure and Transportation	40
Health and Wellness	40
Finance	39
Justice and Attorney General	30
Energy	26
Sustainable Resource Development	24

Top 10 - Requests for Personal Information

Child and Family Services Authorities	471
Solicitor General and Public Security	332
Employment, Immigration and Industry	311
Seniors and Community Supports	175
Children's Services	89
Workers' Compensation Board	45
Justice and Attorney General	34
Infrastructure and Transportation	29
Tourism, Parks, Recreation and Culture	20
Health and Wellness	13

Who made access requests

In 2006-07, 47 per cent of access requests received by government public bodies were from individuals seeking records containing information about themselves. The remaining 53 per cent of requests were made for general information. In this category, the top users were businesses and members of the public.

PERCENTAGE OF REQUESTS

■ 2005-06   ■ 2006-07
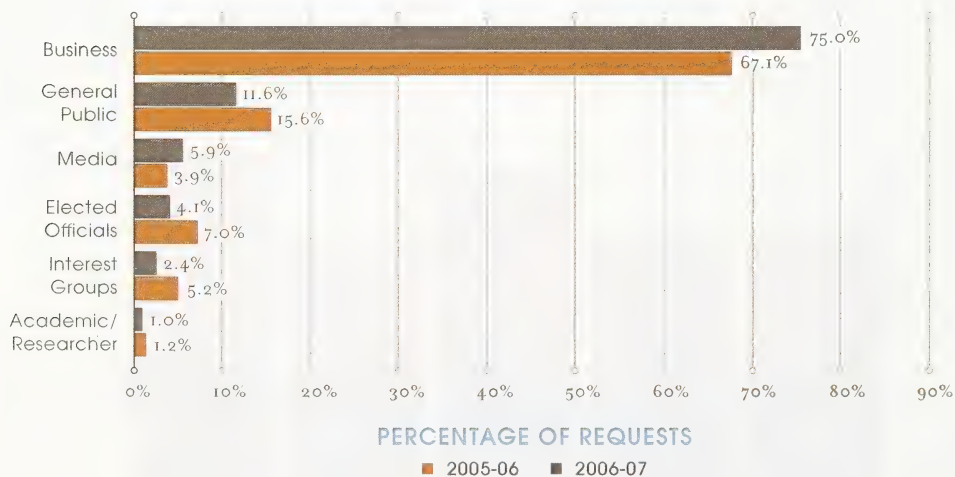
How access requests were processed

For general information requests, provincial government bodies disclosed or partially disclosed all of the records 25 per cent of the time; records did not exist for 63 per cent of requests; and eight per cent of requests were abandoned or withdrawn by the applicant, or transferred to another public body. No records were disclosed in four per cent of requests.
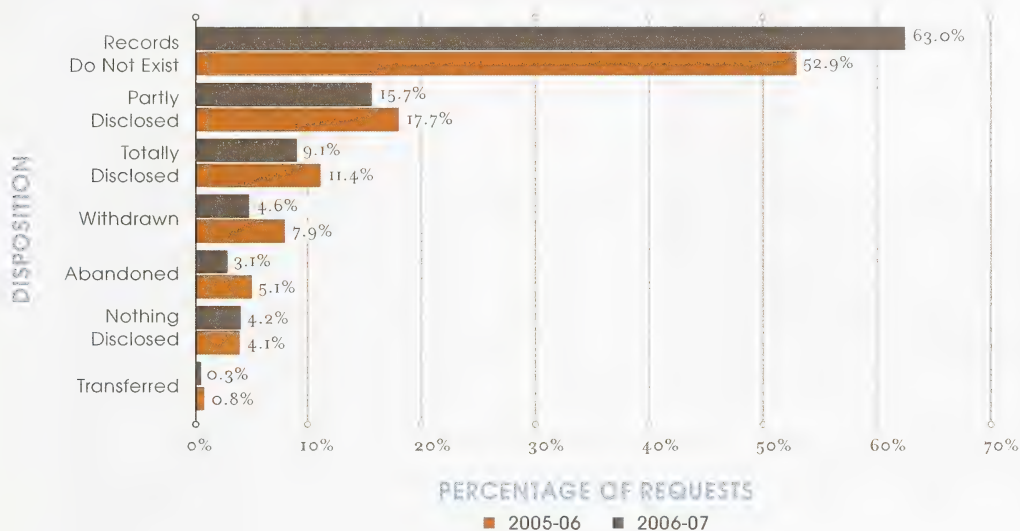
Disposition	2006-07	2005-06
Records Do Not Exist	63.0%	52.9%
Partly Disclosed	15.7%	17.7%
Totally Disclosed	9.1%	11.4%
Withdrawn	4.6%	7.9%
Abandoned	3.1%	5.1%
Nothing Disclosed	4.2%	4.1%
Transferred	0.3%	0.8%

PERCENTAGE OF REQUESTS
■ 2005-06 ■ 2006-07

For personal information requests, provincial government bodies disclosed all or part of the records 64 per cent of the time; 19 per cent of requests were abandoned or withdrawn by the applicant, or transferred to another public body; records did not exist for 14 per cent of requests; and no records were disclosed for three per cent of requests.

Disposition	2006-07	2005-06
Partly Disclosed	51.1%	59.2%
Records Do Not Exist	14.1%	7.5%
Abandoned	13.4%	16.4%
Totally Disclosed	13.2%	8.0%
Withdrawn	4.5%	4.4%
Nothing Disclosed	2.9%	3.5%
Transferred	0.8%	1.1%

PERCENTAGE OF REQUESTS
■ 2005-06 ■ 2006-07
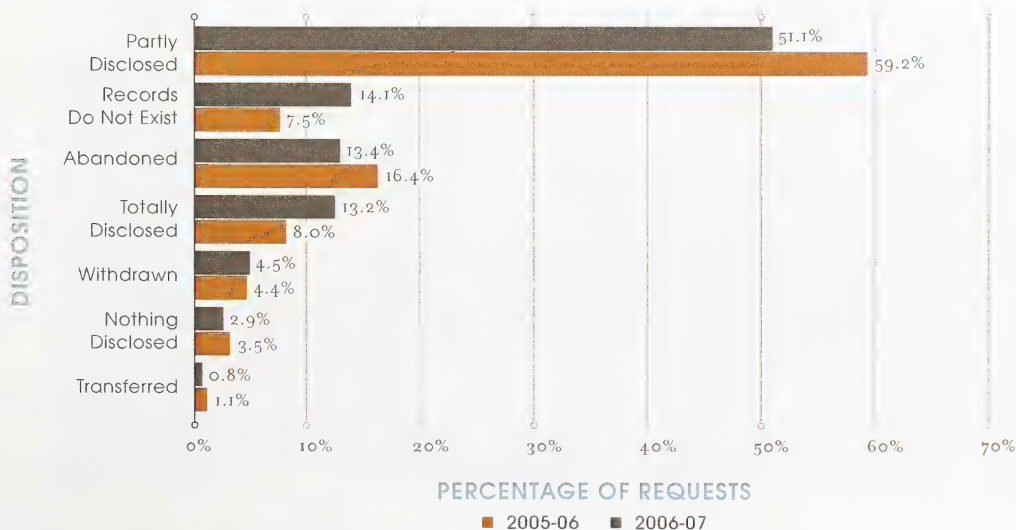
Why information was not released

When public bodies sever information from a record or withhold a record, they must indicate which section of the FOIP Act was used to authorize the decision. The following table summarizes the sections of the Act that were cited by provincial government bodies when records were not completely disclosed.

The number of occurrences indicates the number of requests where a particular section of the Act was used. Because several sections may be used on a single request, the number of occurrences is not related to the number of requests completed.

Sections of the Act Used	Exceptions	Number of Information Occurrences
17	Third party – personal information	1031
24	Advice from officials	219
27	Privileged information	175
21	Intergovernmental relations	107
20	Law enforcement	97
16	Third party – business/tax interests	57
12	Refuse to confirm or deny existence of a record	33
29	Information otherwise available to the public	33
25	Harmful to economic or other interests of a public body	29
19	Confidential evaluations	12
22	Cabinet and Treasury Board confidences	12
26	Testing procedures, tests and audits	9
18	Harmful to individual or public safety	5
28	Harmful to conservation	1

Sections of the Act Used	Exclusions	Number of Information Occurrences
5	Other legislation paramount	73
4(1)l	Registry records	37
4(1)a	Court/judicial records	36
4(1)q	Communications between MLA's and/or members of Executive Council	29
4(1)d	Records of Officers of the Legislature	21
4(1)b	(Quasi) judicial notes, communications, draft decisions	11
6(4)b	Records briefing a member of Executive Council in preparation for a Legislative Assembly sitting	10
4(1)g	Examination/test questions	7
4(1)k	Incomplete prosecution records	2
4(1)o	Personal/constituency records of members of Executive Council	1
4(1)j.1	Published works collected by a library	1

Response times

A total of 96 per cent of requests received by provincial government bodies were completed within 60 days. This total represents 87 per cent completed within 30 days and nine per cent within 30 to 60 days. The remaining requests were completed in more than 60 days.

The FOIP Act states that normally a request must be completed within 30 days of the date it was received. However, the Act allows the head of a public body to extend this for an additional 30 days under three circumstances: if more time is needed to consult with another public body or with a third party; if the request does not provide sufficient detail to allow identification of the requested record; or, if a large number of records is involved.

Provincial government bodies continue to turn around a high volume of FOIP requests within a short time frame. Albertans continue to have timely and effective access to government information.

PERCENTAGE OF COMPLETED REQUESTS

	30 days or less	30-60 days	60+ days
2005-06	81.8%	12.1%	6.1%
2006-07	86.5%	9.1%	4.5%

NUMBER OF DAYS TO COMPLETE REQUEST

■ 2005-06   ■ 2006-07
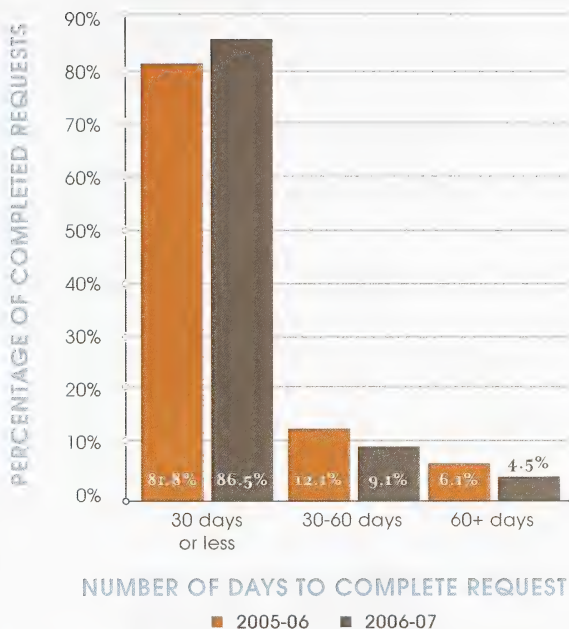
FOIP Quick Facts

99% of requests are handled without complaint to the Information and Privacy Commissioner.

What the FOIP program costs

Government bodies spent an estimated $5,831,000 administering the FOIP Act. In addition, the division spent approximately $588,000. Expenditures by the Office of the Information and Privacy Commissioner are also related to the administration of the Act and are reported annually by that office.

Fees paid

The fee schedule for processing FOIP requests is set out in Schedule 2 of the FOIP Regulation. In 2006-07, provincial government bodies collected fees of less than $91,000. Fee information is not available for local public bodies.

General information requests

A $25 initial fee is charged for general information requests. Additional charges may be applied for time spent locating, retrieving and preparing records for disclosure; computer programming and processing; and copying records. Additional fees cannot be charged for the time spent reviewing records to determine the need for severing information.

When a request is received, a fee estimate is prepared. If the estimate is less than $150, only the initial fee of $25 is collected.

Personal information requests

Applicants requesting their own information pay only copying charges and only if the charges exceed $10.

Fees waived

Public bodies and the Information and Privacy Commissioner may waive fees if the applicant cannot afford payment; if the record relates to a matter of public interest; or for any other reason that it is deemed fair to excuse payment.

The amount of these fee waivers by provincial government bodies is shown in the following table:

Total fees waived

| Type of request | Amount waived | |
	2006-07	2005-06
General information requests	$12,479	$3,993
Personal information requests	$1,856	$1,216
Total	**$14,335**	**$5,209**

Fees are often reduced or eliminated by clarifying requests and providing only the records actually needed by the applicant. The value of fees eliminated in this way cannot be calculated.

Total fees collected

| Type of fee | Amount collected | |
	2006-07	2005-06
General information requests		
Initial fees	$40,100	$25,000
Other general	$29,900	$25,500
Personal information requests		
Copying	$20,600	$20,280
Total	**$90,600**	**$70,780**

Requests to Local Public Bodies

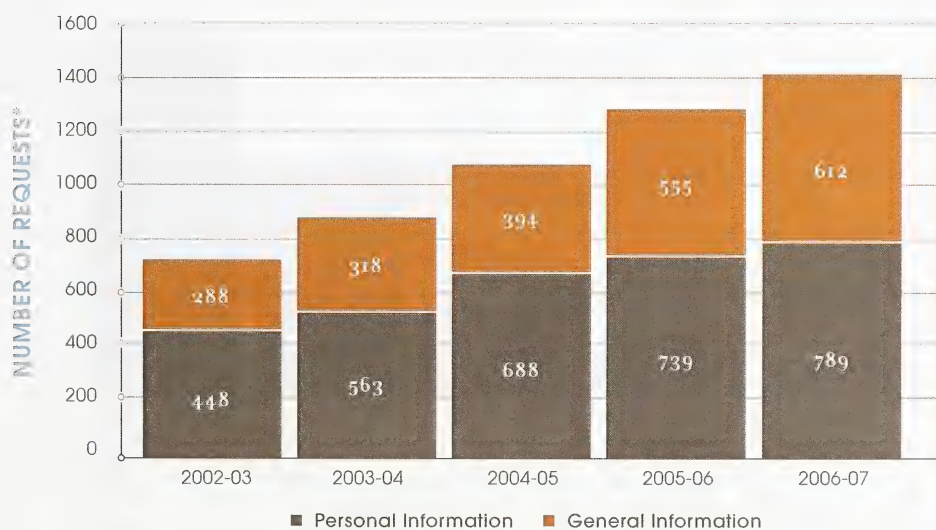## Number of requests made to local public bodies

Local public bodies include local government (municipalities, Métis settlements, irrigation districts, drainage districts, housing management bodies, and public libraries), school jurisdictions, post-secondary institutions, health care bodies, and police services and commissions.

In 2006-07, 941 local public bodies provided statistics, indicating that they received 1,401 FOIP requests. This is an increase of eight per cent over the 1,294 requests received the previous fiscal year.

In 2006-07, there were five requests to correct personal information compared to eight requests received the previous fiscal year.

In 2006-07, 56 per cent of the FOIP requests to local public bodies were from individuals seeking records containing information about themselves.

Number of FOIP of requests received during the last five years

Bar chart showing NUMBER OF REQUESTS* on the y-axis (0 to 1600) across fiscal years:

Year	Personal Information	General Information
2002-03	448	288
2003-04	563	318
2004-05	688	394
2005-06	739	555
2006-07	789	612

■ Personal Information ■ General Information

*Excludes requests for correction of personal information.
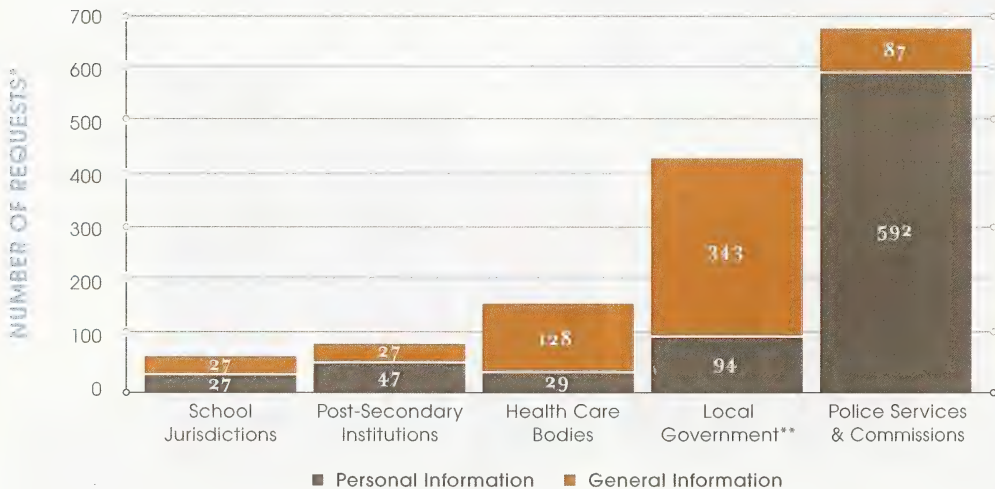
Sectors that received access requests

Police services and commissions received 679 FOIP requests compared to 666 requests received in 2005-06; 87 per cent of these requests were for personal information.

Local government bodies received 437 FOIP requests during the fiscal year compared to 426 requests received the previous year. Of these requests, 78 per cent were for general information. Municipalities received the majority (424) of the requests received by the local government sector.

Health care bodies received 157 FOIP requests compared to 111 requests received the previous year; 18 per cent of these requests were for personal information.

Post-secondary educational institutions received 74 FOIP requests compared to 53 requests received the previous fiscal year; 64 per cent of these requests were for personal information.

School jurisdictions received 54 FOIP requests compared to 38 requests received the previous year; 50 per cent of these requests were for personal information.

NUMBER OF REQUESTS*

	School Jurisdictions	Post-Secondary Institutions	Health Care Bodies	Local Government**	Police Services & Commissions
Personal Information	27	47	29	94	592
General Information	27	27	128	343	87

■ Personal Information ■ General Information

*Excludes requests for correction of personal information.
**Includes municipalities, improvement districts, special areas, regional service commissions, drainage and irrigation districts, housing management bodies, Métis settlements/General Council, and public libraries.
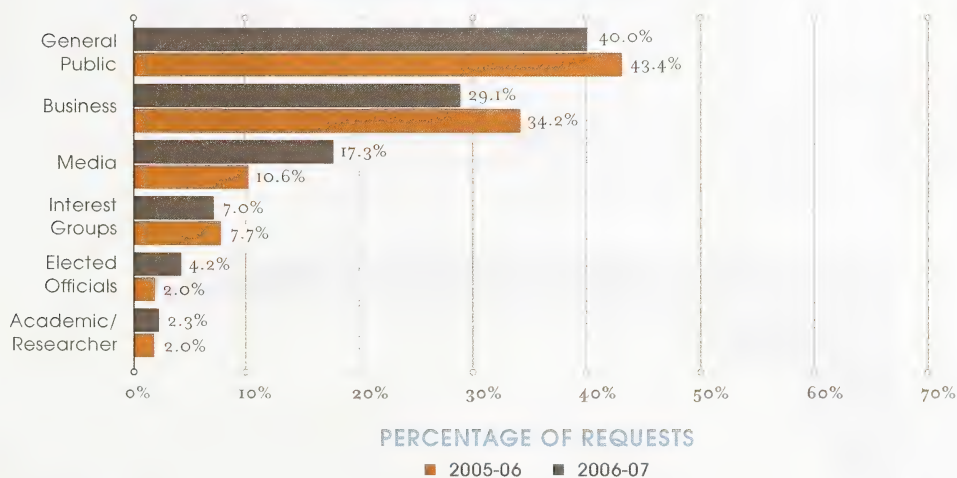
Top 10 - Requests for General Information

Municipal District of Rocky View No. 44	125
Regional Health Authority 6 (Capital Health)	111
City of Edmonton	67
City of Calgary	62
Edmonton Police Service	41
Calgary Police Service	26
Summer Village of Point Alison	21
University of Alberta	13
Edmonton Police Commission	13
University of Calgary	9

Top 10 – Requests for Personal Information

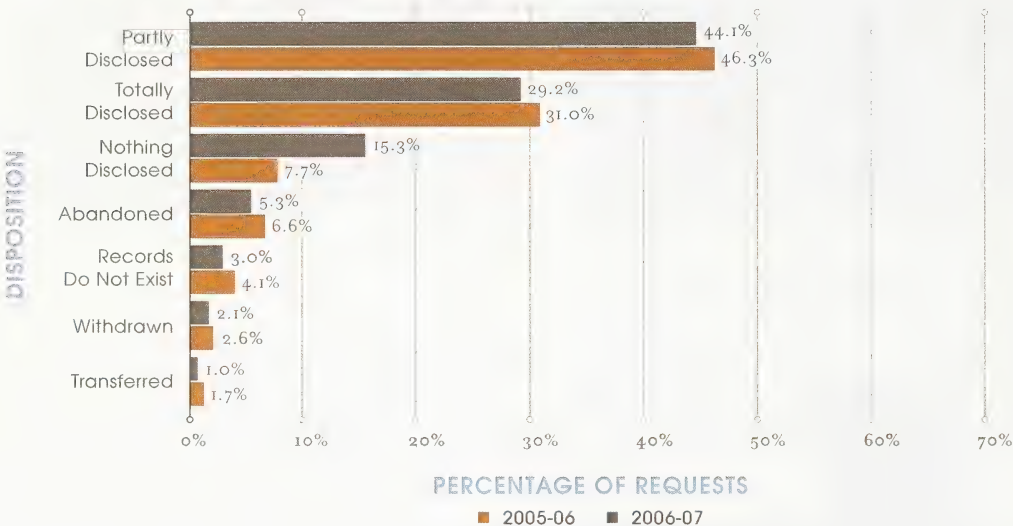|	
Calgary Police Service	367
Edmonton Police Service	175
Lethbridge Regional Police Service	44
City of Calgary	39
University of Calgary	23
City of Edmonton	18
Regional Health Authority 6 (Capital Health)	13
Calgary School District No. 19	11
Town of Canmore	8
Capital Region Housing Corporation	8

Who made access requests

A total of 44 per cent of requests to local public bodies were made for general information. In this category, the top users of the Act were members of the public (40 per cent), followed by businesses (29 per cent), the media (17 per cent), interest groups (seven per cent), elected officials (four per cent) and academics/researchers (two per cent).

General Public — 40.0% / 43.4%
Business — 29.1% / 34.2%
Media — 17.3% / 10.6%
Interest Groups — 7.0% / 7.7%
Elected Officials — 4.2% / 2.0%
Academic/Researcher — 2.3% / 2.0%

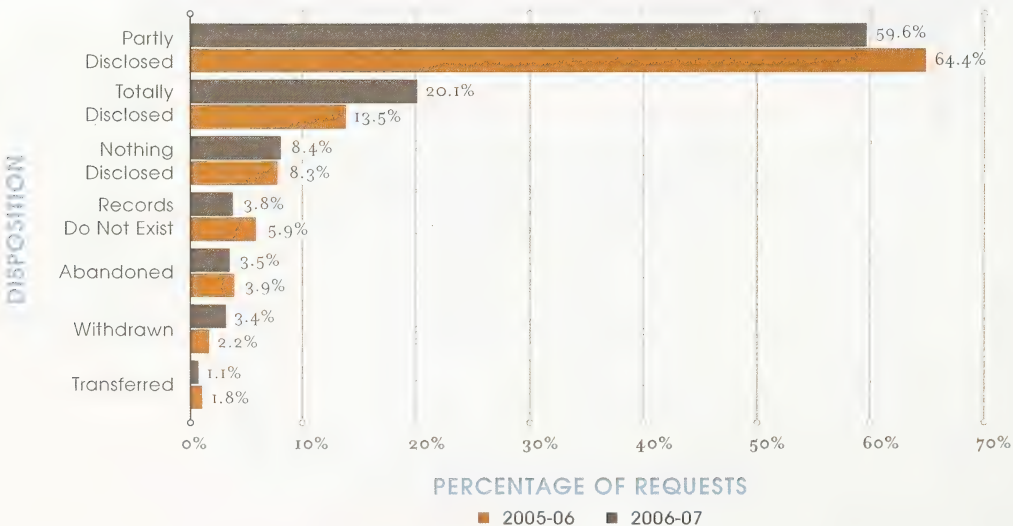PERCENTAGE OF REQUESTS

■ 2005-06   ■ 2006-07

How access requests were processed

Local public bodies disclosed or partly disclosed records in 73 per cent of general information requests; records did not exist for three per cent of requests; nine per cent of requests were abandoned or withdrawn by the applicant, or transferred to another public body; and no records were disclosed for 15 per cent of requests.

DISPOSITION

Partly Disclosed	44.1% (2006-07) / 46.3% (2005-06)
Totally Disclosed	29.2% / 31.0%
Nothing Disclosed	15.3% / 7.7%
Abandoned	5.3% / 6.6%
Records Do Not Exist	3.0% / 4.1%
Withdrawn	2.1% / 2.6%
Transferred	1.0% / 1.7%

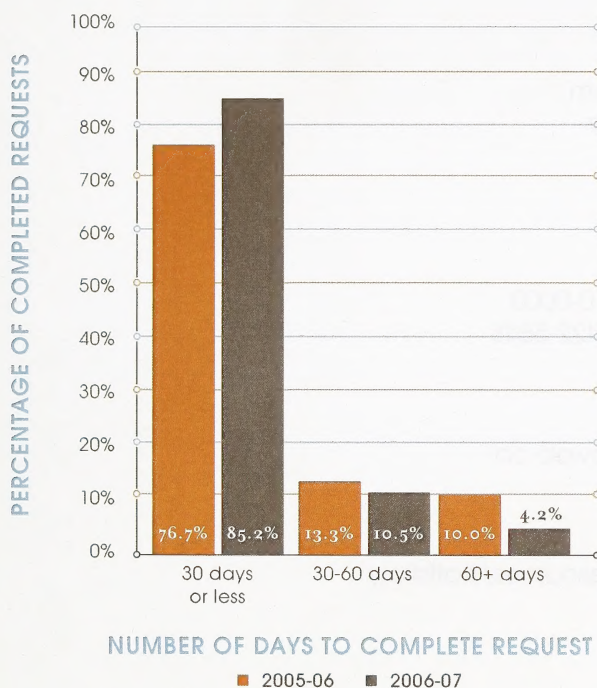PERCENTAGE OF REQUESTS

■ 2005-06   ■ 2006-07

Local public bodies disclosed all or part of the records in 80 per cent of personal information requests. Records did not exist for four per cent of requests; eight per cent of requests were abandoned or withdrawn by the applicant, or transferred to another public body; and no records were disclosed in eight per cent of requests.

DISPOSITION

Partly Disclosed	59.6% (2006-07) / 64.4% (2005-06)
Totally Disclosed	20.1% / 13.5%
Nothing Disclosed	8.4% / 8.3%
Records Do Not Exist	3.8% / 5.9%
Abandoned	3.5% / 3.9%
Withdrawn	3.4% / 2.2%
Transferred	1.1% / 1.8%

PERCENTAGE OF REQUESTS

■ 2005-06   ■ 2006-07

Response times

Overall, 96 per cent of requests made to local public bodies were completed within 60 days of receiving the requests. This total represents over 85 per cent completed within 30 days and 11 per cent within 30 to 60 days. Four per cent of requests were completed in more than 60 days.

PERCENTAGE OF COMPLETED REQUESTS

	30 days or less	30-60 days	60+ days
2005-06	76.7%	13.3%	10.0%
2006-07	85.2%	10.5%	4.2%

NUMBER OF DAYS TO COMPLETE REQUEST

■ 2005-06   ■ 2006-07

CONTACT INFORMATION

Access, Privacy and Security
Service Alberta

Office hours: 8:15 am to 4:30 pm
Monday to Friday

Office phone: (780) 422-2657

Help desk phone: (780) 427-5848

Toll free: In Alberta, dial 310-0000
then enter (780) 422-5848

Fax: (780) 427-1120

E-mail: foiphelpdesk@gov.ab.ca

Website: foip.gov.ab.ca

FOIP Statistics: foip.gov.ab.ca/resources/statistics/

Alberta